

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SAMUEL HOUSTON
Plaintiff

v.

ARMY FLEET SERVICES, L.L.C.,
Defendant

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CASE NUMBER 1:06-cv-243-MEF

(JURY DEMAND)

**MOTION FOR LEAVE TO SUBMIT CORRECTED
DECLARATION OF BILL VINSON**

COMES NOW THE PLAINTIFF, by and through undersigned counsel, and submits his motion for leave to submit a corrected Declaration of Bill Vinson, his vocational expert in this case. As cause Plaintiff states as follows:

1) Plaintiff's counsel and Mr. Vinson discovered this morning that counsel had inadvertently inserted a paragraph from a declaration used in a prior case into the declaration sent to Mr. Vinson for his signature. Mr. Vinson had previously reviewed a correct draft of his Declaration and did not notice this mistake when he originally signed and returned the document.

2) Paragraph Six of the Declaration as corrected (Attached) states a summary of Mr. Vinson's findings as contained in his evaluation of Mr. Houston which was attached to the original Declaration.

3) Neither party will be prejudiced by the grant of this motion. Plaintiff did not rely upon any of the facts set forth in the improperly included paragraph 6 of the original declaration in his response to the defendant's motion for summary judgment (Doc. 40); and, he does not seek now to amend his response to include any portion of the corrected declaration as additional facts or argument in his response.

WHEREFORE, these premises considered and for other such just cause as the Court may in its discretion find, the plaintiff moves this Honorable Court to grant his leave to submit a corrected Declaration of Bill Vinson as PX 32 to his response to the defendant's motion for summary judgment.

Respectfully submitted this 18th day of May 2007.

/S/ JIMMY JACOBS

JIMMY JACOBS (JAC051)
Attorney for Plaintiff
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Montgomery, Alabama 36106
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using CM/ECF system and service will be perfected upon counsel of record following this the 18th day of May, 2007.

/s/JIMMY JACOBS

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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SAMUEL P. HOUSTON

Plaintiff

v.

ARMY FLEET SUPPORT, L.L.C.

Defendant.

CASE NO. CV-1:06-cv-243-MEF

**DECLARATION OF BILL VINSON
(CORRECTED)**

I, Bill Vinson, do hereby swear and affirm under penalty of perjury as follows:

1. I am over the age of twenty-one years, am competent to make this declaration, and have personal knowledge of the matters stated below.

2. I have conducted a vocational assessment of Samuel P. Houston in connection with a lawsuit he has filed under the Americans with Disabilities Act arising out of his employment with Army Fleet Support, L.L.C.

3. My qualifications to testify as an expert in this matter are set out in the attached curriculum vitae, which accurately summarizes them.

4. In forming my opinions in this case I conducted a diagnostic interview of Mr. Houston; reviewed various records (identified in my report, which is attached); and conducted a vocational assessment of Mr. Houston.

5. Certain of the records reviewed showed that Army Fleet Support, L.L.C. perceived Mr. Houston to have work-related limitations of no prolonged standing, walking, or climbing and no heavy lifting of objects weighing more than twenty-five pounds.

6. Mr. Houston's training and work experience has been as an Aircraft Mechanic. The Dictionary of Occupational Titles assigns code number 621.28 1-014 to this job. The specific vocational preparation time or the amount of lapsed time required by a typical worker to learn the techniques, acquire the information, and develop the facility needed for average performance in this job is rated as over two years up to and including four years. That would be classified as a Skilled occupation by the United States Department of Labor. Skills and abilities required include: knowledge of tools, machines, materials, and methods used in trade or craft specialty; reading scale drawings or blueprints to visualize objects; using shop math to calculate object dimensions, material amounts needed, and material costs; coordinating eyes, hands, and

fingers to use hand tools or machines in constructing, making, or repairing objects; and adhering to object specifications or standards.

The Aircraft Scheduler position that was available at Army Fleet Support at the time Mr. Houston wanted to reclassify to try to obtain that job is classified by the Dictionary of Occupational Titles as requiring Sedentary Physical Demands. It is classified as a Semi-Skilled job by specific vocational preparation time requiring over three months up to and including six months as the time required for the average worker to gain an ability to do average performance in this specific job. If we compare Mr. Houston's pre-injury demonstrated physical capacities to perform a job requiring Heavy Work for an individual with a high school diploma, with his post-injury residual capacity to perform only Sedentary Work with a high school diploma, we see that his occupational loss or loss of labor market access is 92%.

7. Based on my vocational analysis, Army Fleet Support, L.L.C. perceived Mr. Houston to be substantially limited in his ability to perform a class of jobs and a broad range of jobs in various classes as compared to the average person with comparable skills and abilities. He is disqualified by the restrictions perceived by Army Fleet Support, L.L.C. from performing any job that involves the above requirements. He is not just restricted from performing the aircraft mechanic job for which he applied, but from 92% of the jobs in the state and national labor markets requiring similar knowledge, skills, abilities, and work experience. In the eyes of Army Fleet Support, L.L.C., Mr. Houston would not have the capacity to perform a substantial number of jobs in a variety of classes in light of his work background and skills. These jobs exist in large numbers at the unskilled, semi-skilled and skilled levels of work and represent a broad range of jobs in various classes in our regional, state and national economies.

8. My report, which is attached to this declaration, accurately summarizes my opinions and the bases for them.

Pursuant to 28 U.S.C. § 1746, I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on this the 18 day of May 2007.

Bill Vinson
BILL VINSON

SWORN to and SUBSCRIBED before me on this the 18 day of May, 2007.

Amber E. Moore
NOTARY PUBLIC
My commission expires April 19, 2011



NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Apr 19, 2011
BONDED THRU NOTARY PUBLIC UNDERWRITERS